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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,494	12/17/2001	Michael J. Diana	3030-69441	2790

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BARNES & THORNBURG
11 South Meridian Street
Indianapolis, IN 46204

EXAMINER

RIVELL, JOHN A

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,494

Applicant(s)

DIANA, MICHAEL J.

Examiner

John Rivell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/17/01(app) 2/12;6/19/02 (IDS).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 1-12 are pending.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5, 11 and 12 are rejected under 35 U.S.C. §102 (b) as being anticipated by Kahmann et al. (German No. DE `98 16 041 cited by applicant).

The patent to Kahmann et al. discloses "a fluid changer (10) including a first passageway (12) and a second passageway (14), a valve (21 or 22) coupled to the first passageway (12), the valve (21 or 22) permitting the fluid that flows through the first passageway (12) to be provided to the second passageway (14) upon actuation of the valve (21 or 22), and out of the fluid changer (10), the first passageway (12) adapted to permit the passage of a pig through the first passageway" 12 by reason of the uniformity of the bore forming passage 12 as illustrated in figures 2 and 3 as claimed in claim 1. Such uniformity is clearly "adapted to permit the passage of a pig" therethrough.

Regarding claim 2, in Kahmann et al., as shown on fig. 2 the device includes "sections (10, 10', 10''), each section including a first passageway (12) and a second passageway (14), each section (10, 10', 10'') further including a valve (21 or 22) coupled to that section's first passageway (12), each valve (21 or 22) permitting the fluid that flows through that section's first passageway (12) to be provided to that section's second passageway (14) upon actuation of that section's valve (21 or 22), and out of the fluid changer (10, 10', 10''), each section's first passageway (12) adapted to permit

the passage of a pig through the first passageway" by reason of the uniformity of the bore forming passage 12 as illustrated in figures 2 and 3 as claimed.

Regarding claim 3, in Kahmann et al. the apparatus further includes "a circuit (shown in fig. 1) for supplying the fluid to fluid dispensing device (15), each valve (21 or 22) providing the fluid that flows through its respective section's second passageway (14) upon actuation of that section's valve (21 or 22), and out of the fluid changer (10, 10', 10'') to the circuit and the dispensing device (15) as claimed.

Regarding claims 5 and 12, in Kahmann et al. "each section (10, 10', 10'') comprises a separate module, the modules being selectively removably connectable together in a desired number to permit the selection of any of a desired number of fluids in the fluid changer" as shown in fig. 1 and as claimed.

Regarding claim 11, in Kahmann et al. "the fluid changer includes a coating material color changer (i.e. paint) for selecting among a number of colors of coating material (ass represented by the plurality of circuits 2, 3, 4 of fig. 1) to be supplied to an output port of the color changer" as claimed.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahmann et al. Kahmann et al. discloses the claimed invention except for "two second passageways, each section further including two valves coupled to that section's first passageway, each valve permitting the fluid that flows through that

section's first passageway to be provided to a respective one of that section's second passageways upon actuation of that respective valve, and out of the fluid changer" (claim 6), "two circuits for supplying the fluids transported through the two second passageways to two fluid dispensing devices, each valve providing the fluid that flows through its respective one of its respective section's second passageways upon actuation of that respective valve, and out of the fluid changer to a respective one of the circuits and to a respective dispensing device" (claim 7) and "valve means for switching between supplying the fluids transported through the two second passageways to the fluid dispensing device, the valve means providing the fluid that flows through a selected one of the second passageways to the dispensing device" (claim 9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to two second passageways, each section further including two valves coupled to that section's first passageway, each valve permitting the fluid that flows through that section's first passageway to be provided to a respective one of that section's second passageways upon actuation of that respective valve, and out of the fluid changer" (claim 6), "two circuits for supplying the fluids transported through the two second passageways to two fluid dispensing devices, each valve providing the fluid that flows through its respective one of its respective section's second passageways upon actuation of that respective valve, and out of the fluid changer to a respective one of the circuits and to a respective dispensing device" (claim 7) and "valve means for switching between supplying the fluids transported through the two second passageways to the fluid dispensing device, the valve means providing the fluid that flows through a

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selected one of the second passageways to the dispensing device" (claim 9), since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. That is, here the claimed limitations merely relate to the duplication of the "first" second passageway, circuit and valve disclosed in Kahmann et al.

Claims 4, 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahmann et al. in view of Kock. The patent to Kahmann et al., discloses all the claimed features with the exception of having a "pressure regulator oriented in the circuit between the fluid changer and the dispensing device".

The patent to Kock discloses that it is known in the art to employ a "pressure regulator" at respective valves "DUMP I" or "DUMP II" of figure 1 or single regulator valve "DUMPI, II" of fig. 2 in the fluid circuit "between the fluid changer (MANIFOLD I or MANIFOLD II) and the dispensing device" at "SRPAY GUN" for the purpose of regulating the regulating the fluid pressure supplied to the dispensing device from the fluid changer.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Kahmann et al. a pressure regulator in the circuit between the fluid changer 10, 10', 10'' and the dispensing device 15 therein for the purpose of regulating the regulating the fluid pressure supplied to the dispensing device from the fluid changer as recognized by Kock.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Bertsch can be reached on (703) 308-0861. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

A handwritten signature in black ink that reads "John Rivell". The signature is stylized with a large, looped "J" and a cursive "Rivell".

John Rivell
Primary Examiner
Art Unit 3753

j.r.